

DETAILED ACTION

Regarding Applicants' Request for Corrected Notice of Allowability

1. The Examiner acknowledges receipt of the applicants' submission entitled, "Correction of Errors in Notice of Allowability", received January 4, 2008. In their request applicants pointed out the following two errors in the Notice of Allowability mailed October 10, 2007:

i). In the Examiner's statement of reasons for allowance the core diameter was recited as 3 μm to 20 μm , whereas claim 1 actually reads 2 μm to 20 μm .

ii) Under the heading, "Priority", item 2 on page 2 of the Notice of Allowability, the Examiner indicated that the effective filing date of the instant application is June 15, 2003. Applicants pointed out that this should be July 15, 2003, which is the filing date of Applicants' Japanese priority application.

The Examiner agrees with applicants' comments regarding the two errors delineated above. This correspondence from the Examiner is a corrected Notice of Allowability correcting these two errors. It should be noted that the Examiner did not consider it necessary to resend the Form PTO-892 and the initialed and signed Form PTO-1449 that were included with the Notice of Allowability mailed October 10, 2007.

Priority

2. Receipt is acknowledged of papers (Japanese Application No. 2003-274858 filed July 15, 2003) submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

3. In accordance with 37 CFR 1.55 and MPEP § 201.15 applicants have also submitted a translation of the foreign priority document together with a statement that the translation is accurate. The Examiner has reviewed the translation and determined that applicants are entitled to the benefit of the filing date of their foreign application. Accordingly, the effective filing date of the instant application is July 15, 2003. This effective filing date predates the publication date of the Banno et al. journal article (publication date, June 2004) submitted with the Information Disclosure Statement submitted March 8, 2006. Thus, Banno et al. cannot be applied in a prior art rejection with respect to the applicants' claimed invention.

Information Disclosure Statement

4. The information disclosure statement filed January 13, 2006 fails to comply with 37 CFR 1.98(a)(2), which requires a legible copy of each cited foreign patent document; each non-patent literature publication or that portion which caused it to be listed; and all other information or that portion which caused it to be listed. In the instant case, the Examiner did not receive a copy of Japanese Patent No. 3428271. However, it appears that Japanese Publication No. 09-204826 is the published application for Japanese Patent No. 3428271. In view of this, the Examiner has cited Japanese Publication No. 09-204826 on the PTO Form-892 attached to this Office Action.

Reasons for Allowance

5. The following is an examiner's statement of reasons for allowance: None of the references alone or in combination teach or suggest a method of producing a Ge containing Nb₃Al-based superconductor wire comprising the steps of;

preparing a composite multi-core wire in which a plurality of Al alloy wires containing 15 at% to 40 at% Ge are arranged in a Nb matrix, the cores having a diameter of 2 μ m to 20 μ m,

heating the composite multi-core wire for at least five hours at a temperature ranging from 1300⁰C to 1600⁰C, and

heating the heat treated composite multi-core wire at a temperature ranging from 650⁰C to 900⁰C. Nor do the references teach or suggest the improved properties obtained by the combination of the claimed core diameter and heat treatment steps evidenced in Figures 3 and 4 of the specification.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John P. Sheehan whose telephone number is (571)

272-1249. The examiner can normally be reached on T-F (7:30-5:00) Second Monday Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Roy King can be reached on (571) 272-1244. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Jps

/John P. Sheehan/
Primary Examiner, Art Unit 1793